

U.S. COURT OF APPEALS - EIGHTH CIRCUIT

APPELLANT'S FORM A

Appeal Docket No. _____

Appeal Information Form

To be filed with the Notice of Appeal

STYLE OF CASE:

COUNSEL: NAME, ADDRESS, AND TELEPHONE NUMBER

PUBLIC PENSION FUND GROUP, et
al.,Christopher J. Keller
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Appellant/Appellee,

vs.

v.
KV PHARMACEUTICAL COMPANY, et
al.,

COUNSEL: NAME, ADDRESS, AND TELEPHONE NUMBER

See attachment

Appellant/Appellee

LIST ISSUES ON APPEAL (For administrative purposes). You may indicate that this also serves as your statement of issues under FRAP 10(b)(3). ☐ Yes. ☒ No.

Whether the District Court erred in issuing the Memorandum and Order (Dkt. No. 117) and Order of Dismissal (Dkt. No. 118), dated February 22, 2010, including, but not limited to, the findings that: (1) the falsity of Defendant KV's public statements that it was in compliance with federal regulations applicable to pharmaceutical manufacturers and its statements regarding its financial performance were not pleaded with sufficient particularity to be actionable under the federal securities laws; and (2) Defendant KV's failure to disclose its receipt of inspection reports from the U.S. Food and Drug Administration ("FDA") was not an actionable omission because Defendants had no duty to disclose the reports, as they were "readily accessible" to the public through submission of Freedom of Information Act requests to FDA.

FOR LEAD COUNSEL ONLY

I ☒ have (☐ have not) discussed settlement possibilities on appeal with my client.This appeal ☐ is (☒ is not) amenable to settlement.Submitted by: s/ Javier BleichmarMarch 18, 2010

Signature of Lead Counsel

Date

INSTRUCTIONS:

Filing of appellant's Form A is required to be submitted to the Clerk of the District Court with the Notice of Appeal (8 Cir. Rule 3B). If inadvertently omitted, appellant may file Form A directly with the Clerk of the Court of Appeals before appeal is docketed. Forms are available at the District Court Clerk's Office and may be obtained electronically at:

www.ca8.uscourts.gov

Copy 1 - Send to Appellee (together with an uncompleted Form B)

Copy 2 & 3 - Send to Clerk, District Court with Notice of Appeal or Eighth Circuit (see above)

Copy 4 - Retain

**U.S. COURT OF APPEALS - EIGHTH CIRCUIT
APPELLANT'S FORM A**

Attachment

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